

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW WASHINGTON, JR., by and
through his guardian ad litem,
Alejandra Raya,

No. Civ. S-05-0881 RRB GGH
Memorandum of Opinion
and Order

Plaintiff,

v.

TASER INTERNATIONAL, INC., and
DOES 1 through 50,

Defendants.

Before the court is Plaintiff Andrew Washington's ("Plaintiff") motion for leave to amend the operative Complaint to add five new defendants and several new causes of action against these defendants.¹ Defendant Taser International, Inc. ("Taser") opposes the motion.

¹ Inasmuch as the Court concludes the parties have submitted memoranda thoroughly discussing the law and evidence in support of their positions, it further concludes oral argument is neither necessary nor warranted with regard to the instant matter. See Mahon v. Credit Bureau of Placer County, Inc., 171

After carefully considering the papers submitted by the parties in this matter, the court concludes that Taser did not overcome Rule 15(a)'s presumption in favor of granting leave to amend because it failed to sufficiently demonstrate that amendment: (1) would cause undue prejudice; (2) is sought in bad faith; (3) would produce an undue delay in litigation; or (4) is futile. See Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003); Amerisource Bergen Corp. v. Dialysis West, Inc., 465 F.3d 946, 951 (9th Cir. 2006).

Accordingly, it is hereby ordered that leave to amend the Complaint, pursuant to Rule 15(a), is GRANTED. Plaintiff is to file his amended complaint within ten (10) days of service of this order.

IT IS SO ORDERED.

ENTERED this 15th day of November, 2007.

s/RALPH R. BEISTLINE
United States District Judge

F.3d 1197, 1200 (9th Cir. 1999)(explaining that if the parties provided the district court with complete memoranda of the law and evidence in support of their positions, ordinarily oral argument would not be required).